

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PURCHASED GAS ADJUSTMENT)	CASE NO.
FILING OF LOUISVILLE GAS AND ELECTRIC)	2023-00089
COMPANY)	

ORDER

On May 12, 2023, Louisville Gas and Electric Company (LG&E) filed a petition, pursuant to 807 KAR 5:001, Section 13, KRS 61.878(1)(c)(1), and 61.878(1)(m)(1)(f), requesting that the Commission grant confidential treatment for an indefinite period for information concerning LG&E's gas storage fields contained in Appendix A - 2021 NITEC Inventory Analysis, attached as an Exhibit in response to Item 7 of Commission Staff's First Request for Information (Staff's First Request).

LEGAL STANDARD

KRS 61.878(1)(c)(1) exempts from public disclosure material generally recognized as confidential or proprietary that, if openly disclosed, would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

KRS 61.878(1)(m)(1)(f) exempts from public disclosure public records, the disclosure of which, would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to, among other things, infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These

critical systems shall include, but not be limited to, information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems.

DISCUSSION AND FINDINGS

In support of its petition, LG&E argued that the public disclosure of the document could place LG&E at a competitive disadvantage pursuant to KRS 61.878(1)(c)(1). LG&E argued that competitors could use information about LG&E's natural gas storage to predict trends in broader energy markets. In addition, LG&E claimed that public disclosure of LG&E's natural gas pipelines and storage fields could threaten public safety pursuant to 61.878(1)(m)(1)(f), as the pipelines and fields constitute critical infrastructure that could be vulnerable to a terrorist act.

Having considered the petition and the material at issue, the Commission finds that Appendix A – 2021 NITEC Inventory Analysis is generally recognized as confidential or proprietary because its disclosure could grant LG&E's competitors a commercial advantage; further, public disclosure of information about LG&E's natural gas pipelines and storage fields could reasonably result in a threat to public safety. The document therefore meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, KRS 61.878(1)(c)(1), and KRS 61.878(1)(m)(1)(f).

IT IS THEREFORE ORDERED that:

1. LG&E's petition for confidential treatment is granted.

2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission.


3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

4. LG&E shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

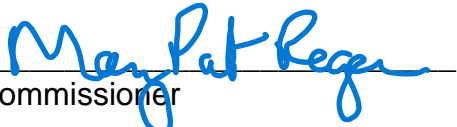
5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, LG&E shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If LG&E is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow LG&E to seek a remedy afforded by law.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
OCT 31 2023
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SERVICE COMMISSION

ATTEST:


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